

THE WILMINGTON JOURNAL.

WILMINGTON, N. C., MONDAY, JAN. 28, 1856.

Congress.

Our papers from Washington are up to the 24th. The Union contains the information that Col. Richardson, at the opening of the session of the House of Representatives on the previous day, announced the unconditional withdrawal of his name in the following appropriate remarks:

Mr. RICHARDSON. Mr. Clerk, I desire to announce to the House and the country that after today my name will be unconditionally withdrawn from the pending canvass for the Speakership, and I announce the fact in advance that my friends and those who have voted for me heretofore may determine what, under the circumstances, it is their duty to do. I have been sensible, as I have no doubt the country has, that no contingency could happen to place me in the Speaker's chair. Still, I have never placed in the face of a sweeping fire. It is said my friends in the face of the highest heroism to lead troops to a fire which they cannot return, and who know while fighting that there is no hope for success, and we have marched one hundred and twenty times up to the fire of a foe, and to our one; and while we have not won the field, they have not been victorious.

Mr. Clerk, I am sincerely desirous to see the House organized. It has been intimated, here and elsewhere, that my name stood in the way of an organization. I desire to relieve the House, and would at once were it possible to do so by an unconditional withdrawal of my name. Gentlemen who have acted with me will bear testimony to the declaration that the position I have occupied is not of my own seeking; that is one from which I have, again and again, endeavored to retire. They have seen fit to continue me in the position where they placed me at the beginning of this session of Congress. In the vain hope that by this announcement I may enable so far as I can, the House to organize and proceed to the discharge of the business that is imposed upon it, I deemed it my duty to submit these remarks.

I hope this course may lead us to a speedy organization. I fear that discord will still reign in this hall, and that history will record the fact as an evidence against our ability of self-government.

The democrats held a caucus of their members on the same day, the 23d, and, as will be seen below, nominated the Hon. Jas. L. Orr, of South Carolina, as the Democratic candidate for Speaker, in place of Mr. Richardson. The Union remarks, on the nomination of Mr. Orr, as follows: "Of the high qualifications of Mr. Orr for the station to which he has been nominated it is wholly unnecessary for us to speak. We have seen him often presiding in Committee of the Whole when no one but the most accomplished parliamentarian could have sustained himself, and we never saw him, even on the most trying occasions, when he did not secure the willing plaudits of all. We need scarcely add that he is distinguished for the courtesy and amenity of his manners; he possesses that cool self-possession and dignified firmness which are essential in an efficient presiding officer. As a statesman, Mr. Orr belongs to the school of national men to whom the rights and interests of every section are guaranteed by the constitution are alike dear. He deserved richly the compliment bestowed upon him, and the public interests would be signally promoted if he should be elected. The following are the proceedings of the caucus by which he was nominated:"

DEMOCRATIC CAUCUS.—At a meeting of democratic members of Congress in the hall of the House, on the 23d inst., the following resolution, offered by the Hon. Howell Cobb, of Georgia, was adopted:

Resolved, That, adhering to the principles announced by the democratic caucus that nominated Mr. Richardson for Speaker, and in view of his withdrawal as a candidate, we hereby nominate for the office of Speaker of the present House of Representatives the Hon. James L. Orr, of South Carolina.

GEO. W. JONES, Chairman.
THOS. RUFFIN, Secretary.

THE SOUTHERN CONVENTION.—Gov. Briggs has appointed the following Delegates to the Southern Convention to be held at Richmond, Va., on the 30th inst.: Messrs. A. J. Deloss, P. K. Dickinson, Joshua G. Wright, William S. Ashe, F. J. Hill, Robert Strange, James Fulton, T. Burr, Jr., Thomas Loring and Saml. J. Person, of the Town of Wilmington, North Carolina, as delegates on behalf of the State to the said Convention.

A gentleman writing from Buchala, Johnston county, says that he lately sent to this place a coop of poultry—sixty-six head of chickens—upon which he had to pay \$3 for (we believe) 30 miles on the North Carolina Central Railroad to Goldsboro', and only \$1 from Goldsboro' to Wilmington, a distance of 84 miles. He is desirous of being informed why the charges are so much higher on the Central Road than they are on the Wilmington & Weldon Road.

UNITED STATES SENATOR FROM MISSISSIPPI.—The Hon. Jeff. Davis, now Secretary of War, has been elected to the U. S. Senate, from the State of Mississippi, for six years, from the 4th of March, 1857, at which time the term of Hon. Stephen Adams, present incumbent, will expire.

FIRE.—We regret to learn that on Saturday last, the dwelling-house and some out-buildings, belonging to Mr. Richard H. Grant and his mother, about 8 miles from town, on the Sound, caught fire from a spark and were entirely consumed. The furniture of both buildings was saved.

THE SOUTHERN COMMERCIAL CONVENTION will be held at Richmond, Va., on the 30th inst. We presume our town will be represented.

The Fayetteville Observer of the 24th inst., says: We deeply regret to hear of the sudden death last evening, from apoplexy, of Col. J. B. G. Roulhac, one of the most estimable citizens of Raleigh.

A new Post-Office has been established at "Pikesville," Wayne county, on the Wilmington & Weldon Railroad, and Mr. Calvin T. Perkins appointed postmaster.

THE Legislature of Louisiana, organized on the 21st. All the officers are democrats.

From California.

The steamer Daniel Webster arrived at New Orleans on the 25th, bringing San Francisco dates to the 19th of December. The Star of the West was to sail from San Juan for New York on the 6th inst., with 350 passengers and \$600,000 in treasure. We see nothing of importance by this arrival. New and rich diggings had been found on the American river, and the intelligence from the mines is very encouraging. Trade was generally dull. Oregon dates to the 20th ult., had been received. Nothing had been heard of Col. Kinney's party, which went to attack Fort Walla-Walla, which was in the possession of the Indians of Northern California. The American Consul at Bahama, Geo. M. Chase, is dead. Col. Walker was receiving accessions by every steamer. His effective force is said to be 850.

FROM HAVANA.—The Steamer Black Warrior at New Orleans, brings dates from Havana, to the 18th inst. She experienced heavy weather on her passage. In all Havana the weather is reported to be colder than ever before experienced on that island. Rachel was still at Havana, but the other members of the troupe had left for Europe. The supply of Sugar was inadequate to the demand. We quote yellow at 1 1/2 a 135, white at 9 1/2 a 115; Molasses 8 a 9 rials.

LATER FROM EUROPE.

The steamer Africa arrived at New York on the 23d inst., with Liverpool dates to the 9th inst. The news consists principally of a continuance of the peace rumors. Russia's answer to the proposals could not be received before the 10th, or later. It is thought she will neither refuse nor assent, absolutely, but will make counter proposals, to be settled by renewed conference. She will hardly do either until another campaign is gone through, as she seems to be making strenuous efforts in preparing for that purpose. In England the feeling continues warlike, and it is also becoming more so in France. There is nothing later from the Crimea, except that on the 29th December the French blew up the docks at Sebastopol.

The allied generals were still in Council at Paris. Sweden was making active warlike preparations. The conference for the adjustment of the Danish Sound Dues had been indefinitely postponed.

Dates from the Crimea to the 25th state that the Russians have increased their fortifications over the Inkermann, and unmasked new batteries on the left of Tchernaya.

Pelissier remains in the Crimea. General Marmora acts by proxy at the council of war at Paris.

No injury was done to the ships-of-war in the Black Sea by the recent storms.

The Russian army took its position at Kars on the 3d December. The troops were being quartered in the town, leaving a small detachment of Cossacks occupying the fortifications at Sahany-Dagh, and at Zent-Kent, a village on the road to Erzeroum. The Russians had collected large stores of provisions.

The Russian general was apprehensive of an attack upon Kars by Selim Pacha, and consequently had concentrated all his available forces at that point. Selim Pacha was encamped in the mountains of Dersel-Boynon.

A Russian attack upon Erzeroum was not considered probable at present, in consequence of the exhaustion of the troops and the state of the roads. Omar Pacha had arrived at Batoum. His army suffered much from a lack of provisions before reaching Kutais, and, being unable to proceed, had deemed it prudent to return.

The fall of Kars had rendered Omar very unpopular at Constantinople. Gen. William had arrived at Gumri.

The council of war at Constantinople was directing all its efforts to the defence of Erzeroum and Triaouza.

The grand war council at St. Petersburg was principally engaged upon questions relating to fortifying strategic points in the Empire.

The fortifications at Krev will be finished before the close of winter.

The railway between St. Petersburg and Moscow is to be protected by redoubts, and each redoubt is to be occupied by a battalion of militia.

There is nothing of special importance from England.

A Paris letter, alluding to the recent report that the United States had made a treaty with the Shah of Persia, guaranteeing the territory on the Persian Gulf, says that, "though no such treaty has been made, yet it is certain that the most friendly advances have been made, and it is unfortunate that, at the moment Russia and America are intriguing with the Shah, a suspension of Persian diplomatic relations with England should have taken place."

There is considerable excitement at Rome in consequence of the report that Mexico has suppressed her legation and withdrawn her minister. The archives of the office have already been packed for removal.

Three Days Later From Europe.

NEW YORK, Jan. 24.—The steamer Baltic, with Liverpool dates to the 12th January, arrived here today.

There is nothing later from the Crimea by this arrival.

Peace proposals have not yet been decided on, but better hopes are entertained that the belligerents will settle matters amicably.

In London and Paris it is believed, in well informed quarters, that some definite intelligence from Russia will probably reach the Government by Monday.

Expectations were on tip-toe to learn the issue of the peace propositions. The term in which Russia's decision is to be made has been extended to the 18th of January. Nevertheless, Berlin and Vienna reports state that advances are already there that the Czar will make no further concessions.

On the other hand it is certain that formal conferences are in session at St. Petersburg, discussing the proposals. These conferences are attended by Nesselrode, Esterhazy, Zebach and Sommer.

The Independence Belge publishes the text of the allied proposals. The general impression is that Russia will neither accept nor assent to the proposals, but will wait Count Stakelberg to Vienna with counter proposals. The latest rumors are more favorable.

Denmark announces her neutrality and that she has no connection with the Swedish alliance.

Omar Pacha was at a redoubt at Kale, shut up by the winter and the Russians.

Louis Napoleon again threatens to go personally to the war.

Richard Cobden has published a new peace pamphlet.

The London Post has direct advice which does not confirm the report that Hoiat had been captured by the Persians.

The returns of the Banks of England and France show increased depression in the money market.

The decrease in the Bank of England's Bullion is upwards of 283,000 pounds. The decrease in the Bank of France for the month is £772,600.

An American ship had arrived at Mernei, and was loading with hemp and yarn.

The overland mails arrived at Marseilles on Friday, January 11.

ST. PETERSBURG, Jan. 3.—The War Council has concluded its business. It has transpired that Russian tactics in the approaching campaign have undergone important modifications. Orders sent from headquarters indicate the intention of Russia to abandon the Crimea, part of the troops having been ordered to reinforce Mouraviev—others are to join the grand army of the centre.

KIEL, Jan. 8.—The waters are still open and trade between the Baltic ports and those of Russia is carried on with great activity.

LONDON, Jan. 12.—Advices from Montevideo of November 30 announce that a revolution broke out in that city, on the 25th November. For four days the city was the scene of a bloody conflict, one hundred persons were killed and a much larger number wounded. Order was restored on the 29th, when Buenos Ayres in a steamer, from Peru, embarked for Montevideo. In conformity with the demands of diplomatic agents, resident in Montevideo, foreigners maintained a strict neutrality.

Supreme Court.

The following decisions have been delivered since our last:

Special Message from the President.

The subject message from the President of the United States was transmitted to both houses of Congress last week.

To the Senate and House of Representatives:—Circumstances have occurred to disturb the course of governmental organization in the Territory of Kansas, and produce there a condition of things which renders it incumbent on me to call your attention to the subject, and urgently to recommend the adoption by you of such measures of legislation as the grave exigencies of the case appear to require.

A brief exposition of the circumstances referred to, and of their causes, will be necessary to the full understanding of the recommendations which it is proposed to submit.

The act to organize the Territories of Nebraska and Kansas was a manifestation of the legislative opinion of Congress on two great points of constitutional construction: one that the designation of the boundaries of a new Territory, and provision for its political organization and administration as a Territory, are measures which of right fall within the powers of the general government; and the other, that the inhabitants of any such Territory considered as an incipient State are entitled, in the exercise of self-government, to determine for themselves what shall be the mode of institutions, subject only to the constitution and the laws duly enacted by Congress under it, and to the power of the existing States to decide according to the provisions and principles of the constitution at what time the Territory shall be received as a State into the Union. Such are the great political rights which are solemnly declared and affirmed by that act.

Based upon this theory, the act of Congress defined for each Territory the outlines of republican government, distributing public authority among lawfully created agents—executive, judicial, and legislative—to be appointed either by the general government or by the Territory. The legislative functions were intrusted to a council and a house of representatives duly elected and empowered to enact all the laws which they might deem essential to their property, happiness and good government.

It is so provided, that Congress also defined the persons who were in the first instance to be considered as the people of each Territory; enacting that every free white male inhabitant of the same above the age of twenty-one years, being an actual resident thereof, and possessing the qualifications hereafter described, should be entitled to vote at the first election, and be eligible to office within the Territory.

The qualifications of voters and holding office at all subsequent elections should be such as might be prescribed by the legislative assembly: Provided, however, that the right of suffrage and of holding office should be exercised only by citizens of the United States, and those who should have declared on oath their intention to become such, and have taken an oath to support the constitution of the United States, and the commission of the governor of the Territory of Nebraska being dated on the 2d day of August, 1854, and the Territory of Kansas on the 29th day of June, 1854.

Such of the public officers of the Territories as, by the provisions of the act, were to be appointed by the general government, including the governors, were appointed and commissioned in due season; the law having been enacted on the 30th of May, 1854, and the commission of the governor of the Territory of Nebraska being dated on the 2d day of August, 1854, and the Territory of Kansas on the 29th day of June, 1854.

The duties imposed by the act on the governors was that of directing and superintending the political organization of the respective Territories.—The governor of Kansas was required to cause a census or enumeration of the inhabitants and qualified voters of the several counties and districts of the Territory to be taken by such persons and in such mode as he might designate and appoint; to appoint a legislative assembly, and to hold the first election, and the manner of conducting them, both as to the persons to superintend such elections, and the return thereof; to declare the number of the members of the council and house of representatives for each county or district; to declare what persons might appear to be duly elected; and to appoint the time and place of the first meeting of the legislative assembly.

While, by this fact, the principle of constitution for each of the Territories was one and the same, and the details of organic legislation regarding both were nearly as could be identical, and while the Territory of Nebraska was tranquilly and successfully organized in the due course of law, and its first legislative assembly met on the 29th of January, 1855, the organization of Kansas was long delayed, and has been attended with serious difficulties and embarrassments, partly the consequence of local mal-administration, and partly of the unjustifiable interference of the inhabitants of some of the States foreign by residence, interests, and rights to the Territory.

The Governor of the Territory of Kansas, commissioned to hold the first election, and to appoint the persons to superintend such elections, and the return thereof; to declare the number of the members of the council and house of representatives for each county or district; to declare what persons might appear to be duly elected; and to appoint the time and place of the first meeting of the legislative assembly, and to hold the first election, and the manner of conducting them, both as to the persons to superintend such elections, and the return thereof; to declare the number of the members of the council and house of representatives for each county or district; to declare what persons might appear to be duly elected; and to appoint the time and place of the first meeting of the legislative assembly.

While, by this fact, the principle of constitution for each of the Territories was one and the same, and the details of organic legislation regarding both were nearly as could be identical, and while the Territory of Nebraska was tranquilly and successfully organized in the due course of law, and its first legislative assembly met on the 29th of January, 1855, the organization of Kansas was long delayed, and has been attended with serious difficulties and embarrassments, partly the consequence of local mal-administration, and partly of the unjustifiable interference of the inhabitants of some of the States foreign by residence, interests, and rights to the Territory.

The Governor of the Territory of Kansas, commissioned to hold the first election, and to appoint the persons to superintend such elections, and the return thereof; to declare the number of the members of the council and house of representatives for each county or district; to declare what persons might appear to be duly elected; and to appoint the time and place of the first meeting of the legislative assembly, and to hold the first election, and the manner of conducting them, both as to the persons to superintend such elections, and the return thereof; to declare the number of the members of the council and house of representatives for each county or district; to declare what persons might appear to be duly elected; and to appoint the time and place of the first meeting of the legislative assembly.

While, by this fact, the principle of constitution for each of the Territories was one and the same, and the details of organic legislation regarding both were nearly as could be identical, and while the Territory of Nebraska was tranquilly and successfully organized in the due course of law, and its first legislative assembly met on the 29th of January, 1855, the organization of Kansas was long delayed, and has been attended with serious difficulties and embarrassments, partly the consequence of local mal-administration, and partly of the unjustifiable interference of the inhabitants of some of the States foreign by residence, interests, and rights to the Territory.

The Governor of the Territory of Kansas, commissioned to hold the first election, and to appoint the persons to superintend such elections, and the return thereof; to declare the number of the members of the council and house of representatives for each county or district; to declare what persons might appear to be duly elected; and to appoint the time and place of the first meeting of the legislative assembly, and to hold the first election, and the manner of conducting them, both as to the persons to superintend such elections, and the return thereof; to declare the number of the members of the council and house of representatives for each county or district; to declare what persons might appear to be duly elected; and to appoint the time and place of the first meeting of the legislative assembly.

While, by this fact, the principle of constitution for each of the Territories was one and the same, and the details of organic legislation regarding both were nearly as could be identical, and while the Territory of Nebraska was tranquilly and successfully organized in the due course of law, and its first legislative assembly met on the 29th of January, 1855, the organization of Kansas was long delayed, and has been attended with serious difficulties and embarrassments, partly the consequence of local mal-administration, and partly of the unjustifiable interference of the inhabitants of some of the States foreign by residence, interests, and rights to the Territory.

The Governor of the Territory of Kansas, commissioned to hold the first election, and to appoint the persons to superintend such elections, and the return thereof; to declare the number of the members of the council and house of representatives for each county or district; to declare what persons might appear to be duly elected; and to appoint the time and place of the first meeting of the legislative assembly, and to hold the first election, and the manner of conducting them, both as to the persons to superintend such elections, and the return thereof; to declare the number of the members of the council and house of representatives for each county or district; to declare what persons might appear to be duly elected; and to appoint the time and place of the first meeting of the legislative assembly.

While, by this fact, the principle of constitution for each of the Territories was one and the same, and the details of organic legislation regarding both were nearly as could be identical, and while the Territory of Nebraska was tranquilly and successfully organized in the due course of law, and its first legislative assembly met on the 29th of January, 1855, the organization of Kansas was long delayed, and has been attended with serious difficulties and embarrassments, partly the consequence of local mal-administration, and partly of the unjustifiable interference of the inhabitants of some of the States foreign by residence, interests, and rights to the Territory.

The Governor of the Territory of Kansas, commissioned to hold the first election, and to appoint the persons to superintend such elections, and the return thereof; to declare the number of the members of the council and house of representatives for each county or district; to declare what persons might appear to be duly elected; and to appoint the time and place of the first meeting of the legislative assembly, and to hold the first election, and the manner of conducting them, both as to the persons to superintend such elections, and the return thereof; to declare the number of the members of the council and house of representatives for each county or district; to declare what persons might appear to be duly elected; and to appoint the time and place of the first meeting of the legislative assembly.

While, by this fact, the principle of constitution for each of the Territories was one and the same, and the details of organic legislation regarding both were nearly as could be identical, and while the Territory of Nebraska was tranquilly and successfully organized in the due course of law, and its first legislative assembly met on the 29th of January, 1855, the organization of Kansas was long delayed, and has been attended with serious difficulties and embarrassments, partly the consequence of local mal-administration, and partly of the unjustifiable interference of the inhabitants of some of the States foreign by residence, interests, and rights to the Territory.

The Governor of the Territory of Kansas, commissioned to hold the first election, and to appoint the persons to superintend such elections, and the return thereof; to declare the number of the members of the council and house of representatives for each county or district; to declare what persons might appear to be duly elected; and to appoint the time and place of the first meeting of the legislative assembly, and to hold the first election, and the manner of conducting them, both as to the persons to superintend such elections, and the return thereof; to declare the number of the members of the council and house of representatives for each county or district; to declare what persons might appear to be duly elected; and to appoint the time and place of the first meeting of the legislative assembly.

While, by this fact, the principle of constitution for each of the Territories was one and the same, and the details of organic legislation regarding both were nearly as could be identical, and while the Territory of Nebraska was tranquilly and successfully organized in the due course of law, and its first legislative assembly met on the 29th of January, 1855, the organization of Kansas was long delayed, and has been attended with serious difficulties and embarrassments, partly the consequence of local mal-administration, and partly of the unjustifiable interference of the inhabitants of some of the States foreign by residence, interests, and rights to the Territory.

The Governor of the Territory of Kansas, commissioned to hold the first election, and to appoint the persons to superintend such elections, and the return thereof; to declare the number of the members of the council and house of representatives for each county or district; to declare what persons might appear to be duly elected; and to appoint the time and place of the first meeting of the legislative assembly, and to hold the first election, and the manner of conducting them, both as to the persons to superintend such elections, and the return thereof; to declare the number of the members of the council and house of representatives for each county or district; to declare what persons might appear to be duly elected; and to appoint the time and place of the first meeting of the legislative assembly.

While, by this fact, the principle of constitution for each of the Territories was one and the same, and the details of organic legislation regarding both were nearly as could be identical, and while the Territory of Nebraska was tranquilly and successfully organized in the due course of law, and its first legislative assembly met on the 29th of January, 1855, the organization of Kansas was long delayed, and has been attended with serious difficulties and embarrassments, partly the consequence of local mal-administration, and partly of the unjustifiable interference of the inhabitants of some of the States foreign by residence, interests, and rights to the Territory.

The Governor of the Territory of Kansas, commissioned to hold the first election, and to appoint the persons to superintend such elections, and the return thereof; to declare the number of the members of the council and house of representatives for each county or district; to declare what persons might appear to be duly elected; and to appoint the time and place of the first meeting of the legislative assembly, and to hold the first election, and the manner of conducting them, both as to the persons to superintend such elections, and the return thereof; to declare the number of the members of the council and house of representatives for each county or district; to declare what persons might appear to be duly elected; and to appoint the time and place of the first meeting of the legislative assembly.

While, by this fact, the principle of constitution for each of the Territories was one and the same, and the details of organic legislation regarding both were nearly as could be identical, and while the Territory of Nebraska was tranquilly and successfully organized in the due course of law, and its first legislative assembly met on the 29th of January, 1855, the organization of Kansas was long delayed, and has been attended with serious difficulties and embarrassments, partly the consequence of local mal-administration, and partly of the unjustifiable interference of the inhabitants of some of the States foreign by residence, interests, and rights to the Territory.

The Governor of the Territory of Kansas, commissioned to hold the first election, and to appoint the persons to superintend such elections, and the return thereof; to declare the number of the members of the council and house of representatives for each county or district; to declare what persons might appear to be duly elected; and to appoint the time and place of the first meeting of the legislative assembly, and to hold the first election, and the manner of conducting them, both as to the persons to superintend such elections, and the return thereof; to declare the number of the members of the council and house of representatives for each county or district; to declare what persons might appear to be duly elected; and to appoint the time and place of the first meeting of the legislative assembly.

While, by this fact, the principle of constitution for each of the Territories was one and the same, and the details of organic legislation regarding both were nearly as could be identical, and while the Territory of Nebraska was tranquilly and successfully organized in the due course of law, and its first legislative assembly met on the 29th of January, 1855, the organization of Kansas was long delayed, and has been attended with serious difficulties and embarrassments, partly the consequence of local mal-administration, and partly of the unjustifiable interference of the inhabitants of some of the States foreign by residence, interests, and rights to the Territory.

any elections for members of the legislative assembly are held in most, if not all, of the precincts at the time, and the places, and by the persons designated and appointed by the governor according to law.

Angry accusations that illegal votes had been polled abounded on all sides, and imputations were made both of fraud and violence. But the governor, in the exercise of the power and the discharge of the duty conferred upon him by law on him alone officially received and considered the returns; declared a large majority of the members of the council and the house of representatives "duly elected;" withheld certificates from others because of alleged illegality of votes; appointed a new election to supply the place of the persons not certified; and thus at length, in all the forms of state, and with his own official authentication, complete legality was given to the first legislative assembly of the Territory.

These decisions of the returning officers and of the governor are final, except that, by the parliamentary usage of the country applied to the organic law, it may be conceded that each house of the assembly must have been competent to determine, in the last resort, the qualifications and the election of its members. The subject was, by the law, referred to the Territory. Whatever irregularities may have occurred in the elections, it seems too late now to raise that question. At all events, it is a question as to which, neither now, nor at any previous time, has the least possible legal authority been possessed by the President of the United States. For all present purposes, the legislative body, thus constituted and authorized, was the legitimate assembly of the Territory.

Accordingly, the governor, by proclamation, convened the assembly thus elected to meet at a place called Pawnee City; the two houses met and were duly organized in the ordinary parliamentary form; each sent to, and received from, the governor the official communications usual on such occasions; the governor opened the session was communicated by the governor; and the general business of the legislative assembly was conducted by the legislative assembly.

But, after a few days, the assembly resolved to adjourn to another place in the Territory. A law was accordingly passed, against the consent of the governor, but in due form otherwise, to remove the seat of government temporarily to the "Shawnee Mission" (or Mission, as it is called), after this receiving a bill for the establishment of a ferry at the town of Kickapoo, the governor refused to sign it, and, by special message, assigned for reason of refusal, not anything objectionable in the bill itself, nor any pretence of illegality or incompetency of the assembly as such, but only the fact that the assembly had by its act transferred the seat of government temporarily from Pawnee City to Kickapoo.

The governor continued to refuse to sign other bills, until, in the course of a few days, he, by official message, communicated to the assembly the fact that he had received notification of the termination of his functions as governor, and that the duties of the office were legally devolved on the Secretary of the Territory; thus to the last recognizing the body as a duly elected and constituted legislative assembly.

It is not to be denied that if any constitutional defect is attached to the legislative acts of the assembly, it is not pretended to consist in irregularity of election, or want of qualification of the members, but only in the change of its place of session. However trivial this objection may seem to be, it requires to be considered, because upon it is founded all that subsequent structure of acts, plainly against law, which now have quietly determined the question which is at this time of such disturbing character.

Such an objection to the proceedings of the legislative assembly was of exceptional origin, for the reason that, by the express terms of the organic law, the seat of government of the Territory was "located temporarily at Fort Leavenworth," and yet the governor himself remained there less than two months and of his own creation transferred the seat of government to the Shawnee Mission, where it in fact was at the time the assembly were called to meet at Pawnee City. If the governor had any such right to change temporarily the seat of government, still more had the legislative assembly. The objection is of exceptional origin for the further reason that the place indicated by the governor, without having any exclusive claim of preference in itself, was a proposed site only, which he and others were attempting to locate unlawfully upon land within a military reservation, and for participation in which illegal act the commandant of the post—a superior officer of the army—has been dismissed by sentence of court-martial.

Nor is it easy why the legislative assembly might not with propriety have transferred the seat of its sittings to the Shawnee Mission. If it could not, that must be on account of some prohibitory or incompatible provision of an act of Congress. But no such provision exists. The organic act, as already quoted, says "the seat of government is hereby located temporarily at Fort Leavenworth," and it then provides that certain of the public buildings there "may be occupied and used under the direction of the governor and legislative assembly." These expressions might possibly be construed to imply that when in the previous section of the act it was enacted that "the first legislative assembly shall meet at such place and on such day as the governor shall appoint," the word "place" means place at Fort Leavenworth, not place anywhere in the Territory.

If so, the governor could have been the first to err in making the change, and shall be the first to remove the seat of government to the Shawnee Mission, but in again removing it to Pawnee City. If there was any departure from the letter of the law, therefore, it was his in both instances.

But, however this may be, it is most unreasonable to suppose that by the terms of the organic act Congress intended to do implicitly that it has not done expressly. It is, therefore, to be held that the power to choose any place it might see fit as the temporary seat of its deliberations. That is proved by the insignificant language of one of the subsequent acts of Congress on the subject, that of March 3, 1855, which, in making appropriation for public buildings of the Territory, enacts that the same shall not be expended "until the legislature of said Territory shall have been convened at the seat of government." Congress, in these expressions, does not profess to be granting the power to fix the permanent seat of government, but recognize the power as already granted. But how? Undoubtedly by the comprehensive provision of the organic act itself, which declares that "the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the constitution of the United States and the laws of Congress."

Following upon this movement was another and more important one of the same general character. Persons confessedly not constituting the body politic, or all the inhabitants, but merely a party of the inhabitants, and without law, have undertaken to transform the Territory into a State, and have framed a constitution, adopted it, and elected a governor, error and other officers, and a representative to Congress.

In extension of these illegal acts, it is alleged that the States of California, Michigan, and others, were self-organized, and, as such, were admitted into the Union without a previous enabling act of Congress. It is true that, while, in a majority of cases, a previous act of Congress was necessary, and in some cases, the Territory has proceeded without it, and has nevertheless been admitted into the Union as a State. It lies with Congress to authorize beforehand, or to confirm afterwards, in its discretion. The application of persons acting against authorities duly constituted by persons acting against authorities is the people of the Territory, no party among them, who have the power to form a constitution, and ask for admission as a State. No principle of public law, no practice or precedent under the constitution of the United States, no rule of reason, right, or common sense, confers any such power as

that now claimed by a mere party in the Territory. In fact, what has been done is of revolutionary character. It is avowedly so in motive and in aim as respects the local law of the Territory. It will become treasonable insurrection if it reach the length of organized resistance by force to the fundamental or any other federal law, and to the authority of the general government.

In such an event, the path of duty for the Executive is plain. The constitution requiring him to take care that the laws of the United States be faithfully executed, if they be opposed in the Territory of Kansas he may and should place at the disposal of the marshal any public force of the United States which happens to be within the jurisdiction, to be used as the portion of the posse comitatus; and, if that do not suffice to maintain order, then he may call forth the militia of one or more States for that object, or employ for the same object any part of the land or naval force of the United States. So, also, if the obstruction be to the laws of the Territory, and it be duly presented to him as a case of insurrection, he may employ for its suppression the militia of any State, or the land or naval force of the United States. And if the Territory be invaded by the citizens of other States, whether for the purpose of deciding elections or for any other, and the local authorities find themselves unable to repel or withstand it, they will be entitled to, and upon the fact being fully ascertained they shall most certainly receive, the aid of the general government.

But it is not the duty of the President of the United States to